

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EIS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 19-1227 (LPS)
)	
INTIHEALTH GER GMBH, WOW TECH)	
USA, LTD., WOW TECH CANADA, LTD.)	
and NOVOLUTO GMBH,)	
)	
Defendants.)	

**PLAINTIFF EIS INC.’S MOTION FOR EMERGENCY RELIEF
UNDER THE ALL WRITS ACT AND INHERENT POWER OR, IN THE
ALTERNATIVE, FOR LIMITED EXPEDITED DISCOVERY**

Plaintiff EIS Inc. (“EIS”) respectfully moves this Court to grant relief under the All Writs Act and its inherent power in aid of its jurisdiction and to enjoin Defendants, requiring them to withdraw their patent infringement notice(s) to Amazon that reference EIS’s “Satisfyer” products, and ordering that the withdrawal shall request that Amazon restore EIS’s product listings with the same rankings and customer reviews as prior to their removal. EIS further moves for an Order enjoining Defendants from such conduct (including re-filing any such notices) pending resolution of this case.

In the alternative, EIS seeks an Order that: (a) Defendants shall retract their Amazon infringement notices, until this Court is able to rule on EIS’s renewed motion for preliminary injunction on a complete record, (b) sets an expedited briefing schedule for a renewed preliminary injunction motion by EIS, and (c) allows EIS expedited limited discovery on its inequitable conduct claims for the ’220 patent prior to its opening brief for preliminary injunction.

EIS’s Opening Brief in Support of this motion, a Declaration in Support of this Motion, accompanying exhibits, and Proposed Order are filed concurrently herewith.

Pursuant to Local Rule 7.1.1, counsel for EIS has conferred with Defendants' counsel who indicated that Defendants will oppose this Motion.

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/s/ Brian P. Egan

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December 16, 2021

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USA, LTD., WOW TECH CANADA, LTD.)	
and NOVOLUTO GMBH,)	
)	
Defendants.)	

[PROPOSED] ORDER

Having considered Plaintiff EIS, Inc.’s Motion for Emergency Relief Under the All Writs Act and Inherent Power Or, in the Alternative, for Limited Discovery, and all papers filed in connection therewith, I find sufficient grounds for granting the following relief.

☐ IT IS HEREBY ORDERED that:

Defendants shall notify Amazon immediately (and not later than 24 hours from the issuance of this order) that they are withdrawing, without prejudice to re-filing if they ultimately prevail in this lawsuit, their intellectual property infringement notices for all of EIS’s “Satisfyer” Air Pulse products.

The withdrawal request shall (1) request that Amazon restore EIS’s product listings with the same rankings and customer reviews as prior to their removal, and (2) shall include a copy of this Order.

Defendants are preliminary enjoined from issuing additional infringement notices to Amazon, regarding the “Satisfyer” Air Pulse products during the pendency of this litigation.

☐ IT IS HEREBY ORDERED that:

Defendants shall notify Amazon immediately (and not later than 24 hours from the issuance of this order) that they are withdrawing, without prejudice to re-filing upon adjudication of EIS’s renewed preliminary injunction motion, their intellectual property infringement notices for all of EIS’s “Satisfyer” Air Pulse products.

Defendants shall provide the limited discovery requested by EIS in its Motion on an expedited basis. The parties shall meet and confer and submit a joint proposed schedule for briefing and discovery on EIS’s renewed motion for preliminary injunction.

SO ORDERED this ____ day of December, 2021.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 16, 2021, upon the following in the manner indicated:

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